



Order Below Exh. 1 In M. C. A No. 37 / 2025
(Dated : 11.12.2025)

- 1) The appellant and respondents have filed common pursis at Exh. 21 and thereby prayed for appointment of the Court Commissioner to inspect the disputed road.
- 2) Heard Ld. Advocate Shri. N. H. Mitkari for the appellant and Ld. Advocate Shri. V. B. Davhale for the respondents.
- 3) Upon perusal of the proceeding of this appeal, it appears that there is a dispute about obstruction, location and width of the disputed road which goes through the lands Gat No. 239, 240, 245, 246, 247, 248, 249, 250 and 251 of village Rajegaon, Tq. Sindkhed Raja, Dist. Buldhana. The Mamlatdar @ Nayab Tahsildar of Sindkhed Raja by his order dated 11.06.2025 in M.C.A No. 5 / Rajegaon / 9 / 2024 – 2025, has held that the appellant obstructed the disputed road in his land Gat No. 247 and ordered the appellant to remove said obstruction on the said disputed road. The appellant has however denied the said fact of obstruction and challenged the order of the Mamlatdar @ Nayab Tahsildar dated 11.06.2025 in Regular Civil Suit No. 68 / 2025 in the court of Learned Civil Judge Junior Division Sindkhed Raja. According to appellant, there is no any easmentary road / way through his land Gat No. 217. The impugned order of the Mamlatdar @ Nayab Tahsildar Sindkhed Raja dated 11.06.2025 in respect of removal of obstruction on the said disputed road is illegal.



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4) In this appeal, the appellant has filed application (Exh. 8) for seeking a stay and status quo to the rejection order of injunction dated 14.10.2025 passed below application of temporary injunction at Exh. 5 in R.C.S. No. 68 / 2025. The said application (Exh. 8) is yet to be decided. There is controversy between appellant and respondents in respect of width of the disputed road and obstruction on it. Under such a circumstance, it would be proper and just to appoint Court Commissioner to bring a real position of the disputed road an obstruction if any on record of this matter. If the Court Commissioner is appointed then its inspection report will be helpful while deciding the application for grant of stay and status quo at Exh. 8. Hence, by invoking the powers under Order 39 Rule 7 (1) (a) of the Civil Procedure Code, I proceed to pass following order.

ORDER

- i) **Learned Advocate Shri. Gopal Pakhare, Member of Mehkar Bar Association is hereby appointed as Court Commissioner.**
- ii) **The Court Commissioner is directed to visit and inspect the Lands Gat Nos. 239, 240, 245, 246, 247, 248, 249, 250 and 251 as well as disputed road which goes through these lands situated at village Rajegaon Tq. Sindkhed Raja, Dist. Buldhana in presence of both the parties by issuing previous notices to them through their advocate on record.**



- iii) The Court Commissioner shall note the factual position and physical features of the disputed road i.e. width as well as nature and place of the obstruction if any on the said disputed road.
- iv) The Court Commissioner shall if necessary take photographs of the place of obstruction on the said disputed road at the costs of a concerned party.
- v) The Court Commissioner if required can seek a technical assistance of Village Kamgar Talathi of village Rajegaon for the purpose to find out the location of the disputed road on basis of village map.
- vi) The Court Commissioner shall submit his inspection report along with rough sketch / map in this court on or before 15.12.2025.
- vii) The appellant and respondents shall deposit Rs. 7000/- (Seven Thousands Only) in equal shares (Rs. 3500/- each) as the fee of the Court Commissioner within two days in the court from the date of this order.
- viii) Issue writ to the Court Commissioner accordingly.
- ix) Copy of this order be issued to Village Kamgar Talathi of village Rajegaon Tq. Sindkhed Raja, Dist. Buldhana for necessary information.

Sd/-

(Rajendra J. Tambe)
Adhoc District Judge-1
Mehkar.

Place : Mehkar
Dated: 11.12.2025



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CERTIFICATE

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Rajendra J. Tambe
Adhoc District Judge – 1,
Mehkar, Dist. Buldhana.

Name of Steno : Sandip Ramdas Nikalje,
Stenographer, Grade-3, Mehkar.

Judgment/Order Signed by P.O. On : 11.12.2025

Judgment/Order uploaded on : 12.12.2025